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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/822,682	04/13/2004	Eric Berreklouw	2001-1105-1	2986

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EXAMINER

BLANCO, JAVIER G

ART UNIT	PAPER NUMBER
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3738

DATE MAILED: 03/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/822,682

Applicant(s)

BERREKLOUW, ERIC

Examiner

Javier G. Blanco

Art Unit

3738

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 72-119 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 72-119 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species (disclosed as such in the "Background/Summary of the Invention" section) of the Fixing Device:

Fixing Device

Species I: Figures 1-14

Species II: Figure 15-25

Species III: Figure 26-32

Species IV: Figure 33-53

2. Each of Species I, II, III, and IV comprises patentably distinct sub-species:

Sub-species of Species I

Sub-species A: Figure 1

Sub-species B: Figure 2

Sub-species C: Figure 3

Sub-species D: Figure 4

Sub-species E: Figure 5

Sub-species F: Figure 6

Sub-species G: Figure 7c

Sub-species H: Figure 7d

Sub-species I: Figure 9a

Sub-species J: Figure 9b

Sub-species K: Figure 9c

Art Unit: 3738

Sub-species L: Figure 9d

Sub-species M: Figure 10

Sub-species N: Figure 11

Sub-species O: Figure 12

Sub-species of Species II

Sub-species A: Figure 15

Sub-species B: Figure 16

Sub-species C: Figure 17

Sub-species D: Figure 18

Sub-species E: Figure 19

Sub-species F: Figure 20

Sub-species G: Figure 21

Sub-species H: Figure 22

Sub-species I: Figure 23

Sub-species J: Figure 24

Sub-species of Species III

Sub-species A: Figure 26

Sub-species B: Figure 27

Sub-species C: Figure 28

Sub-species D: Figure 29

Sub-species E: Figure 30

Sub-species F: Figure 31

Art Unit: 3738

Sub-species G: Figure 32

Sub-species of Species IV

Sub-species A: Figure 33

Sub-species B: Figure 34

Sub-species C: Figure 35

Sub-species D: Figure 36

Sub-species E: Figure 37

Sub-species F: Figure 38

Sub-species G: Figure 39

Sub-species B: Figure 40

Sub-species C: Figure 41

Sub-species D: Figure 42

Sub-species E: Figure 43

Sub-species F: Figure 44

Sub-species G: Figure 45

Sub-species F: Figure 46

Sub-species G: Figure 47

Sub-species B: Figure 48

Sub-species C: Figure 49

Sub-species D: Figure 50

Sub-species E: Figure 51

Sub-species F: Figure 52

Art Unit: 3738

Sub-species G: Figure 53

The species, and each of their sub-species, are independent or distinct because they represent patentably distinct structural limitations.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species (from the four group of species) and a sub-species (from the elected species) for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javier G. Blanco whose telephone number is 571-272-4747. The examiner can normally be reached on M-F (9:30 a.m.-7:00 p.m.), first Friday of the bi-week off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Corrine McDermott can be reached on (571) 272-4754. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9306 for regular

Art Unit: 3738

communications and After Final communications. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0858.

JGB

March 17, 2006

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.A handwritten signature in black ink, appearing to read 'D. Willse', with a long horizontal stroke extending to the right.
David H. Willse
Primary Examiner